

Through our exceptional
health care services,
we reveal the healing
presence of God.



Saint Louis University Hospital
1201 S. Grand Blvd.
St. Louis, MO 63104
phone: 314-257-2356

Sent Via Email & U.S. Mail

April 12, 2023

Mary Pitts
1932 Sidney Street
Apartment A
St. Louis, MO 63104

jonnie.mitchell4@gmail.com

Re: LOA Exhaustion and Employment Status

Dear Mary,

This letter is in follow up to the Leave Exhaustion notice sent on November 28, 2022 from Rex Gould – Human Resources Partner, which notified you that you had exhausted the available leave options (FMLA, Extended Leave, or LOA as an Accommodation) and asking you contact Human Resources no later than December 05, 2022 to discuss your employment status. You have not returned to work, nor have you contacted your Leader or Human Resources to provide an update regarding your return-to-work status.

The Leave Exhaustion notice informed you that your job was no longer protected beyond the date of exhaustion, November 15, 2022. Notedly, as of April 12, 2023, you are not on an approved leave of absence, nor have you returned to work or contacted Human Resources or your leader. Your employment with SSM Saint Louis University Hospital will be terminated effective immediately.

If you should have any questions or concerns, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Rex Gould".

Rex Gould
Human Resources Business Partner
SSM Health Saint Louis University Hospital
314-257-2343
Rex.gould@ssmhealth.com

Through our exceptional
health care services,
we reveal the healing
presence of God.



Saint Louis University Hospital
1201 S. Grand Blvd.
St. Louis, MO 63104
phone: 314-257-2356

SENT VIA EMAIL AND REGISTERED MAIL

June 2, 2023

Mary Pitts
1932 Sidney Street
Apartment A
St. Louis, MO 63104
jonnie.mitchell4@gmail.com

Re: LOA Exhaustion and Employment Status

Dear Mary,

On or about April 12, 2023, you were in receipt of a letter terminating your employment. Upon further review, the correspondence you received was in error. Please disregard the email communication and letter you received dated April 12, 2023, regarding your employment.

However, please be aware all of your available leave options were exhausted effective November 15, 2022, as such, your employment is not protected past that date. Recall, you spoke with Chelsea Brothers, Human Resources Business Partner on November 18, 2022, at which time you requested a new return to work date of May 2023. Subsequently, you were notified of your leave exhaustion via correspondence dated November 28, 2022, and were given a deadline of December 5, 2022, to discuss your employment status. At that time, you failed to contact the Hospital regarding your employment.

In a telephone conversation with Rex Gould on or about April 14, 2023, you communicated you were approved to return to work with restrictions. As a result, you were asked to provide contact information for the person(s) with whom you were working with regarding leave of absence approval during that conversation. To date, you have failed to provide any information in this regard.

It is imperative that we speak with you regarding your work status, as you have exhausted all available leave options (FMLA, SSM's Extended FMLA, or LOA as an Accommodation) and have not returned to work. Please contact me directly via email or via phone no later than 3:00 p.m. on Friday, June 9th to discuss your employment status. If I do not hear from you on or before June 9th, your employment with SSM Saint Louis University Hospital will be terminated pursuant to Article 4.A.3 of the SEIU collective bargaining agreement.

If you should have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Rex Gould

Human Resources Business Partner
SSM Health – St. Louis University Hospital
Rex.gould@ssmhealth.com
314-257-2343

2522-CC00728

67

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mary P. Hs
1932 Sidney St.
Apt A
St. Louis, MO 63104



9590 9402 2467 6306 7943 49

2. Article Number (Transfer from reverse label)

7022 2410 0002 586 9159

A. Signature

X

B. Received by (Printed Name)

☐ Agent☐ Address

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

June 23, 23 2:48
June 13, 23 4:51

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
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- ☐ Collect on Delivery Restricted Delivery
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USPS TRACKING#



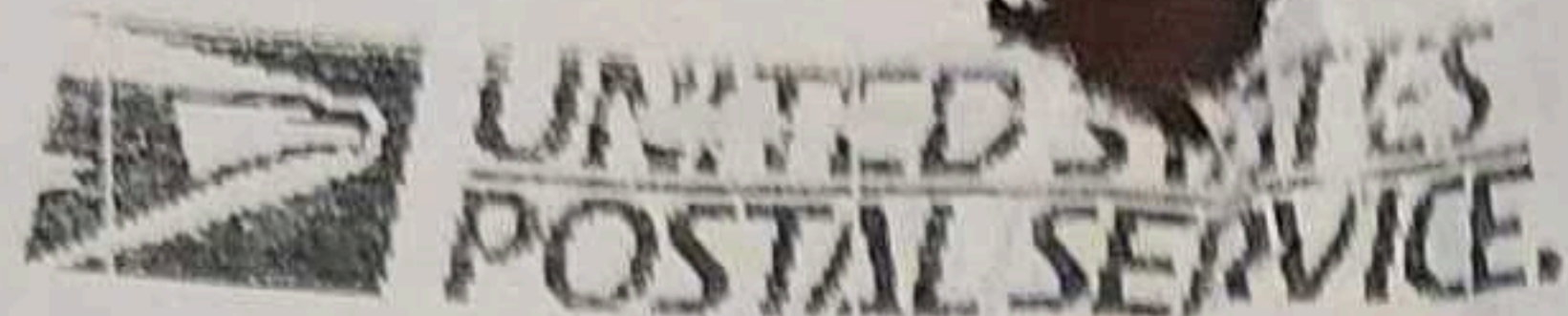
9590 9402 2467 6306 7943 49

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

Rex Gould
c/o Saint Louis University Hospital
1201 S. Grand Blvd
St. Louis, MO 63104

First-Class Mail
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USPS
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SAINT LOUIS
1720 MARKET ST RM 3035
SAINT LOUIS, MO 63155-9998
(800)275-8777

06/15/2023

05:06 PM

Product	Qty	Unit Price	Price
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First-Class Mail® Letter	1		\$0.87
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Saint Louis, MO 63104
Weight: 0 lb 1.20 oz
Estimated Delivery Date
Sat 06/17/2023

Certified Mail® \$4.15
Return Receipt \$3.35

Tracking #: 9590 9402 7713 2152 9476 33
Affixed Postage \$5.49

Affixed Amount: \$5.49

Total \$2.88

Grand Total: \$2.88

Cash \$3.00
Change -\$0.12

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com, USPS Tracking or call 1-800-222-1811.

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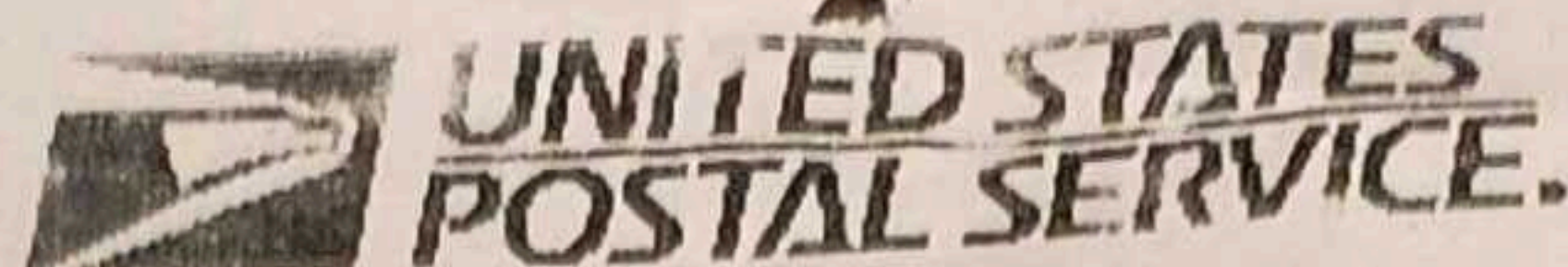
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or call 1-800-410-7420.

UFN: 287205-0204
Receipt #: 840-56300542-3-6786861-2
Clerk: 20



SAINT LOUIS
1720 MARKET ST RM 3035
SAINT LOUIS, MO 63155-9998
(800)275-8777

07:42 PM

06/13/2023

Product	Qty	Unit Price	Price
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DocuMent 9.75x12.25	1	\$2.09	\$2.09
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S&S 12.25x3x17.625	2	\$4.99	\$9.98
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First-Class Mail® Large Envelope	1		\$1.74
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Saint Louis, MO 63104

Weight: 0 lb 2.60 oz

Estimated Delivery Date

Thu 06/15/2023

Certified Mail® \$4.15

Tracking #: 9589 0710 5270 0568 8391 63

Return Receipt \$3.35

Tracking #: 9590 9402 7713 2152 9397 13

Total \$9.24

Grand Total: \$21.31

Debit Card Remit \$21.31

Card Name: VISA

Account #: XXXXXXXXXX7839

Approval #: 427050

Transaction #: 268

Receipt #: 048523

Debit Card Purchase: \$21.31

AID: A0000000980840

AL: US DEBIT

PIN: Verified

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Receipt #: 840-56300542-4-6367430-2
Clerk: 85

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Saint Louis, MO 63104

Certified Mail Fee \$4.15

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☐ Return Receipt (hardcopy) \$0.00

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☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.87

Total Postage and Fees \$0.37

Sent To: 55H Health

Street and Apt. No., or PO Box No. 1201 S Grand Blvd

City, State, ZIP+4® St. Louis MO 63104

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at www.usps.com.
Saint Louis, MO 63104

Certified Mail Fee \$4.15

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$0.00

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$1.74

Total Postage and Fees \$9.24

Sent To: St. Louis University Hospital

Street and Apt. No., or PO Box No. 1201 S Grand Blvd

City, State, ZIP+4® St. Louis MO 63104

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

Mary Veronica Pitts
2/10/1961



HSHS Medical Group Family and Sports Medicine - O'Fallon
670 Pierce Blvd
O' Fallon IL 62269-1953
618-206-2070
AMY M BUCK, NP

7/6/2023

To Whom It May Concern:

Mary Veronica Pitts was seen by AMY M BUCK, NP at HSHS MEDICAL GROUP FAMILY AND SPORTS MEDICINE - O'FALLON on 7/6/2023 to discuss her chronic health issues and including her chronic left knee pain. I am working with her to rectify her situation related to her chronic knee pain and decreased mobility. This includes more intense physical therapy, and seeing an orthopedic at Washington University Hospital. I do not expect her to return to work while we are working on the above. I will see her back in the clinic in August to further evaluate her progress and develop a further plan.

Sincerely,



AMY M BUCK, NP

HSHS MEDICAL GROUP FAMILY AND SPORTS MEDICINE - O'FALLON

Mary Veronica Pitts
2/10/1961



HSHS Medical Group

HSHS Medical Group Family and Sports Medicine - O'Fallon
670 Pierce Blvd
O' Fallon IL 62269-1953
618-206-2070
AMY M BUCK, NP

6/9/2023

To Whom It May Concern:

Mary Veronica Pitts was seen by AMY M BUCK, NP at HSHS MEDICAL GROUP FAMILY AND SPORTS MEDICINE - O'FALLON on 6/9/2023 to discuss her chronic health issues and including her chronic left knee pain. I am working with her to rectify her situation related to her chronic knee pain and decreased mobility. This includes more intense physical therapy, finding a second opinion surgeon that will give her options to help her knee.

I do not expect her to return to work while we are working on the above.

I will see her back in the clinic in August to further evaluate her progress and develop a further plan.

Sincerely,



AMY M BUCK, NP

HSHS MEDICAL GROUP FAMILY AND SPORTS MEDICINE - O'FALLON

----- Forwarded message -----

From: **Gould, Rex** <Rex.Gould@ssmhealth.com>

Date: Fri, Jul 21, 2023, 9:13 AM

Subject: SLUH Separation Notice

To: jonnie.mitchell4@gmail.com <jonnie.mitchell4@gmail.com>

Dear Mary,

As you have been previously informed, all of your available leave options were exhausted effective November 15, 2022, as such, your employment was not protected beyond that date. On or about June 09, 2023, you were asked to provide complete contact information for any individuals who could provide information regarding work restrictions that may be required for your return to work. To date you have not provided the requested complete contact information. Therefore, your employment with SSM Saint Louis University Hospital is being terminated effective July 19, 2023.

If you have any questions, please contact me.

Rex Gould | Human Resources Partner
SSM Health Saint Louis University Hospital
1201 S. Grand Boulevard
St. Louis, MO 63104
314-257-2343
Rex.Gould@ssmhealth.com | ssmhealth.com



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

MISSOURI COMMISSION ON HUMAN RIGHTS

MIKE KEHOE
GOVERNOR

ANNA S. HUI
DEPARTMENT DIRECTOR

AL LI
COMMISSION CHAIR

ALISA WARREN, PH.D.
EXECUTIVE DIRECTOR

NOTICE THAT A COMPLAINT HAS BEEN FILED

January 15, 2025

Mary Pitts
1932 Sidney Street
Apt. A
St. Louis, MO 63104
Via Complainant Attorney Email: Mark@ott.law

RE: Pitts v SSM Health - Saint Louis University Hospital E-01/24-56638; 28E-2025-00257

This is to inform you the enclosed complaint alleging employment discrimination has been dually filed with the Missouri Commission on Human Rights (MCHR) and the federal Equal Employment Opportunity Commission (EEOC). **Please keep this letter for future reference.**

This complaint will be investigated by the EEOC. You are encouraged to cooperate fully in the investigation. An investigator from that agency will be in contact with you.

The Missouri Human Rights Act provides that you may request a right to sue letter. Such a letter would allow you to file suit in state court against the Respondent named in your complaint using your own resources. MCHR closes its case when it issues a right to sue letter.

If MCHR adopts EEOC's finding and closes your complaint, then you will not be able to get a right to sue letter from MCHR. If you want a right to sue letter, then you may request one in writing at any time. If you request a right to sue letter and MCHR has not completed its administrative processing of your complaint after it has been on file for over 180 days, then MCHR will issue your right to sue letter.

If you have any questions, please email: pittsvssmhealthsluhospitalz3370031@missouri-dolir.filevinegov.com. Thank you.

Enclosures: copy of complaint, General information Sheet

NOTICE OF STATUTE PROHIBITING RETALIATION

It shall be an unlawful practice for any employer, labor organization, or employment agency to discharge, expel, or otherwise discriminate against any person because he or she has opposed any practices forbidden under the law or because he or she has filed a complaint, testified, or assisted in any proceeding under Chapter 213, RSMo. as amended.



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

MISSOURI COMMISSION ON HUMAN RIGHTS

MIKE KEHOE
GOVERNOR

ANNA S. HUI
DEPARTMENT DIRECTOR

AL LI
COMMISSION CHAIR

ALISA WARREN, PH.D.
EXECUTIVE DIRECTOR

NOTICE THAT A COMPLAINT HAS BEEN FILED

January 15, 2025

Mark E. Blankenship Jr.
3544 Oxford Boulevard
Maplewood, MO 63143
Mark@ott.law

RE: Pitts v SSM Health - Saint Louis University Hospital E-01/24-56638; 28E-2025-00257

Dear Mark E. Blankenship:

This is to inform you the enclosed complaint alleging employment discrimination has been dually filed with the Missouri Commission on Human Rights (MCHR) and the federal Equal Employment Opportunity Commission (EEOC). Please keep this letter for future reference.

This complaint will be investigated by the EEOC. You are encouraged to cooperate fully in the investigation. An investigator from that agency will be in contact with you.

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If you have any questions, please email: pittsvssmhealthsluhospitalz3370031@missouri-dolir.filevinegov.com. Thank you.

Enclosures: copy of complaint, General information Sheet

NOTICE OF STATUTE PROHIBITING RETALIATION

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*The Missouri Commission on Human Rights is an equal opportunity employer/program.
Auxiliary aides and services are available upon request to individuals with disabilities.*

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: _____ Agency(ies) Charge No(s): _____	
		<input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	E-01/24-56638 28E-2025-00257
Missouri Human Rights Commission and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) Mary Pitts		Home Phone (Incl. Area Code) (314) 590-3950	Date of Birth 02/10/1961
Street Address 1932 Sidney St. Apt. A		City, State and ZIP Code	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against him or Others. (If more than two, list under PARTICULARS below.)			
Name SSM Health – SLU Hospital		No. Employees, Members 5,000+	Phone No. (Include Area Code) 1 (800) 252-4670
Street Address 1201 S. Grand Blvd., St. Louis, MO 63104		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).)		FILED JAN 16 2024 Missouri Commission on Human Rights- SL	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify) _____		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 04/12/2023 07/19/2023 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>Mary Pitts has been an employee of SLU Hospital since June 10, 2019 and has worked in healthcare for over 35 years. Her hourly wage at SLU Hospital was \$17-23.</p> <p>Overtime, Pitts began experiencing chronic and debilitating left knee pain. Pitts underwent medical leave on or around November 17, 2021 for a total knee replacement. On or around November 28, 2022, Pitts exhausted her FMLA, Extended Leave, or LOA as an Accommodation.</p> <p>On or around April 12, 2023, Pitts received the following email and letter from Human Resources Business Partner Rex Gould:</p> <p><i>This letter is in follow up to the Leave Exhaustion notice sent on November 28, 2022 from Rex Gould-Human Resources Partner, which notified you that you had exhausted the available leave options (FMLA, Extended Leave, or LOA as an Accommodation) and asking you contact Human Resources no later than December 05, 2022 to discuss your employment status. You have not returned to work, nor have you contacted your Leader or Human Resources to provide an update regarding your return -to-work status. The Leave Exhaustion notice informed you that your job was no longer protected beyond the date of exhaustion, November 15, 2022. Notedly, as of April 12, 2023, you are not on an approved leave of absence, nor have you returned to work or contacted Human Resources or your leader. Your employment with SSM Saint Louis University Hospital will be terminated effective immediately.</i></p> <p>On June 2, 2023, a subsequent email and letter from Gould was sent to Pitts, indicating that the April 12, 2023 correspondence was in error. However, she was informed that she needed to contact Gould by June 9, 2023 to discuss her employment status and to provide contact information for the person(s) with whom she was working with regarding leave of absence approval.</p> <p>Pitts did provide him the following documentation via email on or around June 2, 2023 and via certified mail on or around June 5, 2023. Furthermore, Pitts sent over two medical provider confirmation letters signed by Amy M. Buck, NP on June 9, 2023 and July 6, 2023. Both letters stated the following:</p> <p><i>Mary Veronica Pitts was seen by AMY M. BUCK, NP at HSHS MEDICAL GROUP FAMILY AND SPORTS MEDICINE – O’FALLON . . . to discuss her chronic health issues and including her chronic left knee pain. I</i></p>			

am working with her to rectify her situation related to her chronic knee pain and decreased mobility. This includes more intense physical therapy, and seeing an orthopedic at Washington University Hospital. I do not expect her to return to work while we are working on the above. I will see her back in the clinic in August to further evaluate her progress and develop a further plan.

Shortly after June 9, 2023, Pitts followed up via phone call or email multiple times to confirm whether Gould received her documentation. Pitts also hand delivered the documents to Gould as well.

On July 21, 2023, Rex Gould, HR Partner at SLU Hospital provided the following email:

As you have been previously informed, all of your available leave options were exhausted effective November 15, 2022, as such, your employment was not protected beyond that date. On or about June 09, 2023, you were asked to provide complete contact information for any individuals who could provide information regarding work restrictions that may be required for your return to work. To date you have not provided the requested complete contact information. Therefore, your employment with SSM Saint Louis University Hospital is being terminated effective July 19, 2023.

Plaintiff asserts that she was wrongfully terminated and discriminated on the basis of her disability.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change his address or phone number and I will cooperate fully with them in the processing of his charge in accordance with their procedures.	NOTARY – When necessary for State and Local Agency Requirements
<p>I declare under penalty of perjury that the above is true and correct.</p> <p><u>1/15/2024</u> <u>Mark Edward Bleahmstrup</u></p> <p>Date Charging Party Signature</p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of his knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p><u>MARY VERONICA PITTS</u></p> <p>MARY VERONICA PITTS (Jan 16, 2024 15:32 CST)</p> <p>SUBSCRIBED AND SWORN TO BEFORE him THIS DATE</p> <p>(month, day, year)</p> <p>16/01/2024</p>

FILED

JAN 16 2024

Missouri Commission on
Humans Rights- SL







EEOC Form 5 (11/09)

Final Audit Report

2024-01-16

Created:	2024-01-16
By:	Mark Blankenship (mark@ott.law)
Status:	Signed
Transaction ID:	CBJCHBCAABAAvuUyVu_5qETf9ZukCJrcHg6zMs_xyBdo

"EEOC Form 5 (11/09)" History

-  Document created by Mark Blankenship (mark@ott.law)
2024-01-16 - 9:28:29 PM GMT- IP address: 35.129.252.203
-  Document emailed to jonnie.mitchell4@gmail.com for signature
2024-01-16 - 9:28:33 PM GMT
-  Email viewed by jonnie.mitchell4@gmail.com
2024-01-16 - 9:29:18 PM GMT- IP address: 99.107.94.224
-  Signer jonnie.mitchell4@gmail.com entered name at signing as MARY VERONICA PITTS
2024-01-16 - 9:32:10 PM GMT- IP address: 99.107.94.224
-  Document e-signed by MARY VERONICA PITTS (jonnie.mitchell4@gmail.com)
Signature Date: 2024-01-16 - 9:32:12 PM GMT - Time Source: server- IP address: 99.107.94.224
-  Agreement completed.
2024-01-16 - 9:32:12 PM GMT

FILED

JAN 16 2024

Missouri Commission on
Humans Rights- SL



Adobe Acrobat Sign



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

St Louis District Office
1222 Spruce, Room 8.100
St. Louis, MO 63103
(314)798-1960
Website: www.eeoc.gov

DISMISSAL AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161, 161-A and 161-B)

Issued On: 01/21/2025

To: Mary Pitts
1932 Sidney Street Apt. A
Saint Louis, MO 63104

Re: Mary Pitts v. SSM Health - Saint Louis University Hospital
EEOC Charge Number: 28E-2025-00257

EEOC Representative and email: Joseph J. Wilson
State, Local & Tribal Program Manager
Joseph.Wilson@EEOC.gov

DISMISSAL OF CHARGE

The EEOC has granted your request for a Notice of Right to Sue, and more than 180 days have passed since the filing of this charge.

The EEOC is terminating its processing of this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

Please retain this notice for your records.

On Behalf of the Commission:

Digitally Signed By: David Davis 1/21/2025

David Davis
District Director

cc: Andy Walkup
Interim General Counsel
Saint Louis University Hospital
1201 South Grand
Saint Louis, MO 63104

Mark Blankenship
Ott Law Firm
3544 Oxford Boulevard
Maplewood, MO 63143

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)

IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive this Notice**. Receipt generally means the date when you (or your representative) opened this email or mail. You should **keep a record of the date you received this notice**. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving it (email or envelope).

If your lawsuit includes a claim under the Equal Pay Act (EPA), you must file your complaint in court within 2 years (3 years for willful violations) of the date you did not receive equal pay. This time limit for filing an EPA lawsuit is separate from the 90-day filing period under Title VII, the ADA, GINA, the ADEA, or the PWFA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA, the ADEA or the PWFA, in addition to suing on the EPA claim, your lawsuit must be filed within 90 days of this Notice and within the 2- or 3-year EPA period.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

ATTORNEY REPRESENTATION

For information about locating an attorney to represent you, go to:
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

HOW TO REQUEST YOUR CHARGE FILE

To request a copy of your charge file, contact the Fair Employment Practices Agency that investigated your charge.

NOTICE OF RIGHTS UNDER THE ADA AMENDMENTS ACT OF 2008 (ADAAA)

The ADA was amended, effective January 1, 2009, to broaden the definitions of disability to make it easier for individuals to be covered under the ADA/ADAAA. A disability is still defined as (1) a physical or mental impairment that substantially limits one or more major life activities (actual disability); (2) a record of a substantially limiting impairment; or (3) being regarded as having a disability. *However, these terms are redefined, and it is easier to be covered under the new law.*

If you plan to retain an attorney to assist you with your ADA claim, we recommend that you share this information with your attorney and suggest that he or she consult the amended regulations and appendix, and other ADA related publications, available at:

http://www.eeoc.gov/laws/types/disability_regulations.cfm.

“Actual” disability or a “record of” a disability

If you are pursuing a failure to accommodate claim you must meet the standards for either “actual” or “record of” a disability:

- ✓ **The limitations from the impairment no longer must be severe or significant** for the impairment to be considered substantially limiting.
- ✓ In addition to activities such as performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, thinking, concentrating, reading, bending, and communicating (more examples at 29 C.F.R. § 1630.2(i)), **“major life activities” now include the operation of major bodily functions**, such as: functions of the immune system, special sense organs and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions; or the operation of an individual organ within a body system.
- ✓ **Only one** major life activity need be substantially limited.
- ✓ Except for ordinary eyeglasses or contact lenses, the beneficial effects of **“mitigating measures”** (e.g., hearing aid, prosthesis, medication, therapy, behavioral modifications) **are not considered** in determining if the impairment substantially limits a major life activity.
- ✓ An impairment that is **“episodic”** (e.g., epilepsy, depression, multiple sclerosis) or **“in remission”** (e.g., cancer) is a disability if it **would be substantially limiting when active**.
- ✓ An impairment **may be substantially limiting even though** it lasts or is expected to last **fewer than six months**.

“Regarded as” coverage

An individual can meet the definition of disability if an **employment action was taken because of an actual or perceived impairment** (e.g., refusal to hire, demotion, placement on involuntary leave, termination, exclusion for failure to meet a qualification standard, harassment, or denial of any other term, condition, or privilege of employment).

- ✓ “Regarded as” coverage under the ADAAA no longer requires that an impairment be substantially limiting, or that the employer perceives the impairment to be substantially limiting.
- ✓ The employer has a defense against a “regarded as” claim only when the impairment at issue is objectively **both** transitory (lasting or expected to last six months or less) **and** minor.
- ✓ A person is not able to bring a failure to accommodate claim **if** the individual is covered only under the “regarded as” definition of “disability”.

Note: Although the amended ADA states that the definition of disability “shall be construed broadly” and “should not demand extensive analysis,” some courts require specificity in the complaint explaining how an impairment substantially limits a major life activity or what facts indicate the challenged employment action was because of the impairment. Beyond the initial pleading stage, some courts will require specific evidence to establish disability. For more information, consult the amended regulations and appendix, as well as explanatory publications, available at http://www.eeoc.gov/laws/types/disability_regulations.cfm.